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DEPARTMENT OF
WATER RESOURCES

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Idaho State Bar Number 7018

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase No.: 22-408B, 22-409B,
and 22-410B

**NOTICE OF FILING OF LATE CLAIM
AND AMENDED CLAIMS**

Harold K. Dunn Trust, by and through counsel of record, Robert L. Harris, of the law firm Holden, Kidwell, Hahn & Crapo, PLLC, hereby moves to amend the above claims. It is necessary to amend these claims because the Claimant recently filed a late enlargement claim, and if the motion to file late enlargement claim is granted, the place of use descriptions of the above water rights will also need to be changed.

Counsel for the Dunn Trust mistakenly filed the amended claims with IDWR directly on April 30, 2009. The original amended claims are now attached.

We presume that the court will set this matter at the next status conference on the above water rights.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following described pleading or document on the attorneys listed below by hand delivering, by mailing or by facsimile, with the correct postage thereon, on this 29th day of May, 2009.

DOCUMENT SERVED: NOTICE OF FILING OF LATE CLAIM AND AMENDED CLAIMS

ATTORNEYS AND/OR INDIVIDUALS SERVED:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*
(☐) *Email*

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

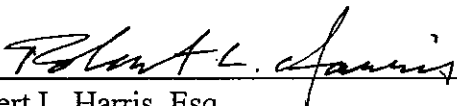
(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*
(☐) *Email*

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*
(☐) *Email*

United States Department of Justice
Environmental and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

(☒) *First Class Mail*
(☐) *Hand Delivery*
(☐) *Facsimile*
(☐) *Overnight Mail*
(☐) *Email*


Robert L. Harris, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-408B

Date Received _____

Receipt Number _____

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Harold K. Dunn Trust Phone (801) 533-9730

Mailing Address 326 N. 300 W., Salt Lake City, UT Zip 84103

2. Date of Priority (Only (1) per claim) June 1, 1894

3. Source of water supply (a) Swamp

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:
Township 5N Range 45E Section 21, NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____,
County of TETON

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Concrete heading diverts into an open ditch.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/31 amount 0.7 cfs or _____

7. Total quantity claimed (a) 0.7 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
livestock Etc.) None.

- [illegible]

10. In which county(ies) are lands listed above as place of use located? TETON

12. Describe any other water rights used at the same place and for the same purposes as described above.
Water Right Nos. 22-409B, 22-410B, and an enlargement water right.
 _____ or None ()

The combined place of use for 22-408B, 22-409B, 22-410B, and the enlargement water right is identified above. The number of acres decreed to 22-408B, 22-409B, and 22-410B is 140 acres. The enlargement right is for 79 acres.

15. Signature(s)

Number of Attachments _____

Signature of Authorized Agent Robert C. Adams

Title and Organization Attorney, Harold K. Dunn Trust _____ Date April 30, 2009

Last Name Harold K. Dunn Trust Ident. Number 22-408B

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Robert L. Harris

Address PO Box 50130, Idaho Falls, ID 83405-0130

Date April 30, 2009

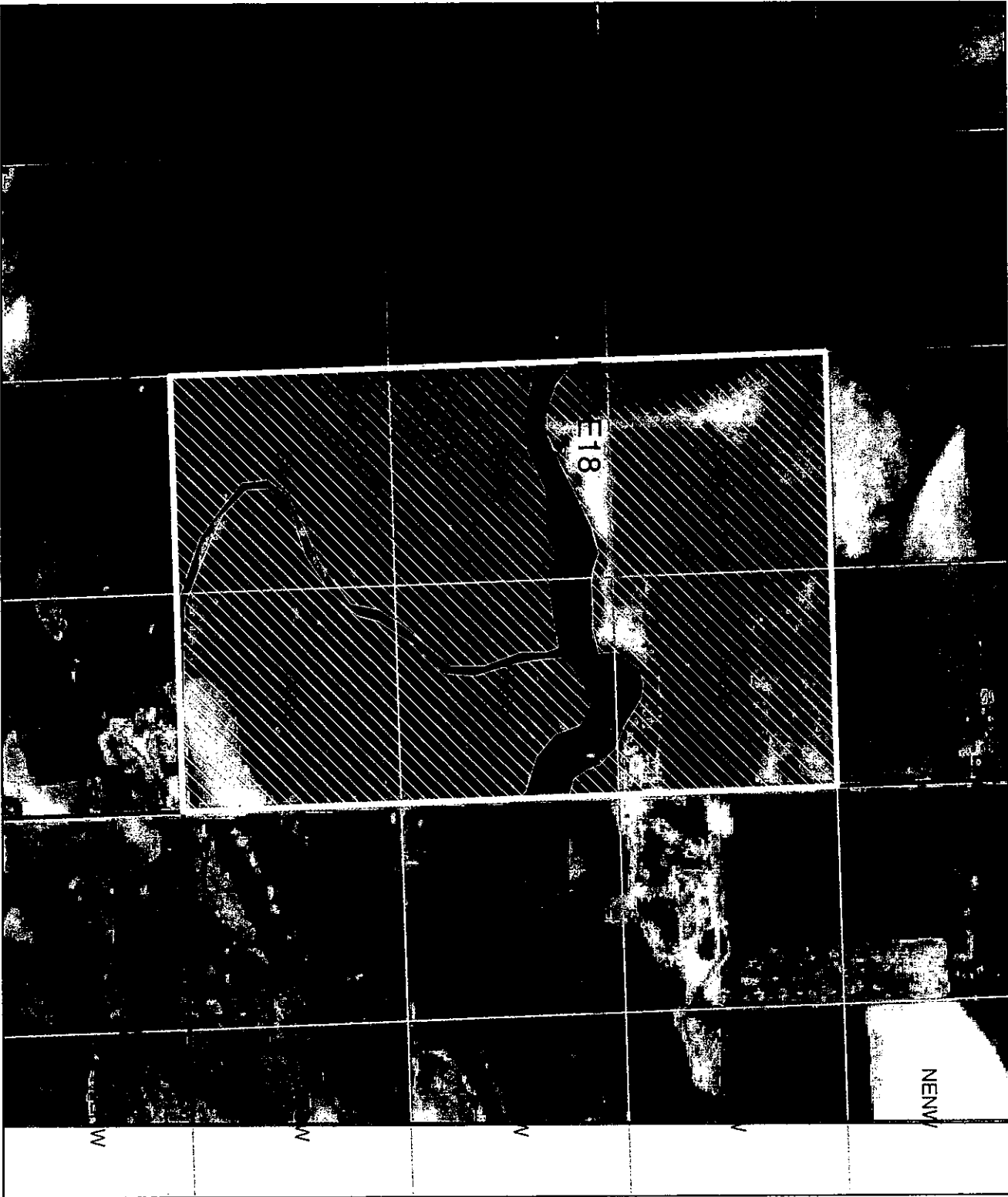
G:\WPDATA\RLH_Dunn Trust\Amended Claim, 408B.wpd:cdv

HAROLD K. DUNN TRUST WATER RIGHTS (22-408B, 409B, 410B, and Enlargement Right)



Legend

- Property_Line
- Place_of_Use
- PLS-Section
- gcdb_qq



0 0.15 0.3 0.6 Miles

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-409B

Date Received _____

Receipt Number _____

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Harold K. Dunn Trust Phone (801) 533-9730

Mailing Address 326 N. 300 W., Salt Lake City, UT Zip 84103

2. Date of Priority (Only (1) per claim) June 1, 1896

3. Source of water supply (a) Swamp

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:
Township 5N Range 45E Section 18, NW 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____,
County of TETON

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. Pump is located on an unnamed stream on Claimant's property.

6. Water is claimed for the following purposes: _____ (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/31 amount 0.875 cfs or _____

7. Total quantity claimed (a) 0.875 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

- [illegible]

Last Name _____ Ident. Number 22-409B

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Robert L. Harris
Address PO Box 50130, Idaho Falls, ID 83405-0130
Date April 30, 2009

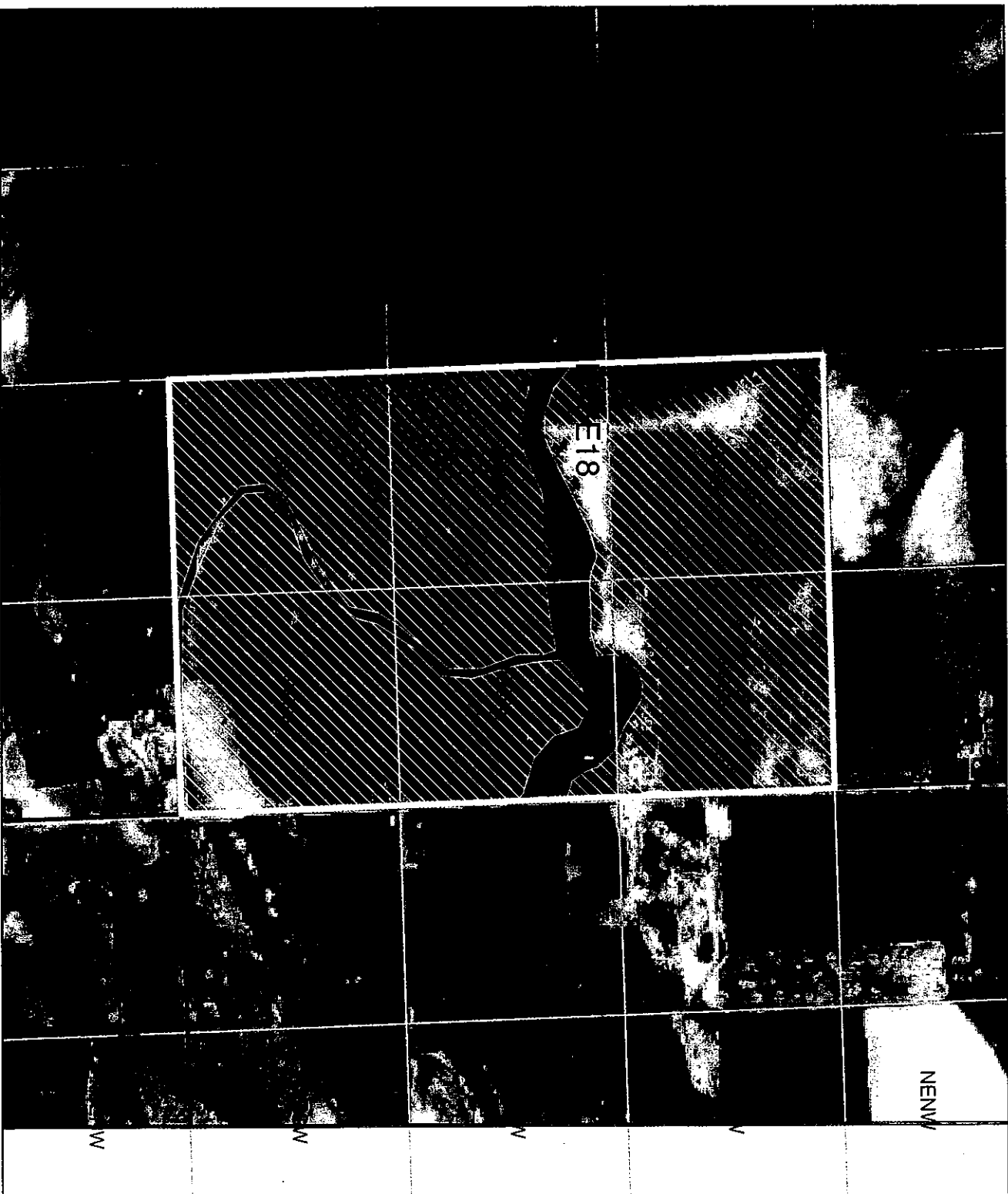
G:\WPDATA\RLH\Dunn Trust\Amended Claim, 409B wpd:cdv

HAROLD K. DUNN TRUST WATER RIGHTS (22-408B, 409B, 410B, and Enlargement Right)



Legend

- Property_Line
- Place_of_Use
- PLS-Section
- gcdb_qq



0 0.15 0.3 0.6 Miles

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-410B

Date Received _____

Receipt Number _____

AMENDED NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Harold K. Dunn Trust Phone (801) 533-9730

Mailing Address 326 N. 300 W., Salt Lake City, UT Zip 84103

2. Date of Priority (Only (1) per claim) June 1, 1904

3. Source of water supply (a) Swamp

which is tributary to (b) Teton River

4.a. Location of existing point of diversion is:
Township 5N Range 45E Section 21, NW 1/4 of NE 1/4 of NE 1/4, Govt. Lot _____,
County of TETON

Additional points of diversion if any: _____

If Available, GPS Coordinates: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Concrete heading diverts into an open ditch.

6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/15 to 10/31 amount 1.225 cfs or _____

7. Total quantity claimed (a) 1.225 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of
livestock Etc.) _____

9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	45E	18			40	38									30	34	38	39	219

Total number of acres irrigated 219

10. In which county(ies) are lands listed above as place of use located? TETON

11. Do you own the property listed above as place of use? Yes X No
If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
Water Right Nos. 22-408B, 22-409B, and an enlargement water right.
_____ or None ()

13. Remarks:

The combined place of use for 22-408B, 22-409B, 22-410B, and the enlargement water right is identified above. The number of acres decreed to 22-408B, 22-409B, and 22-410B is 140 acres. The enlargement right is for 79 acres.

14. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree √ License
If applicable provide IDWR Water Right Number 22-410B
Court Case Number Decree Date 12/16/1910
Plaintiff vs Defendant Rexburg Irrigation Co. et al. vs. Teton Irr. Canal Co. et al.

15. Signature(s)

(a) By signing below, I/we acknowledge that I/we have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b) I/we do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of Attachments

I do solemnly swear or affirm under penalty of perjury that I am attorney for the Harold K. Dunn Trust, that I have signed the foregoing document in the space below as attorney of the Harold K. Dunn Trust, and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Robert L. Jannis

Title and Organization Attorney, Harold K. Dunn Trust Date April 30, 2009

Last Name Ident. Number 22-410B

17. Notice of Appearance:

Notice is hereby given that I, Robert L. Harris, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

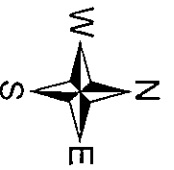
Signature Robert L. Harris

Address PO Box 50130, Idaho Falls, ID 83405-0130

Date April 30, 2009

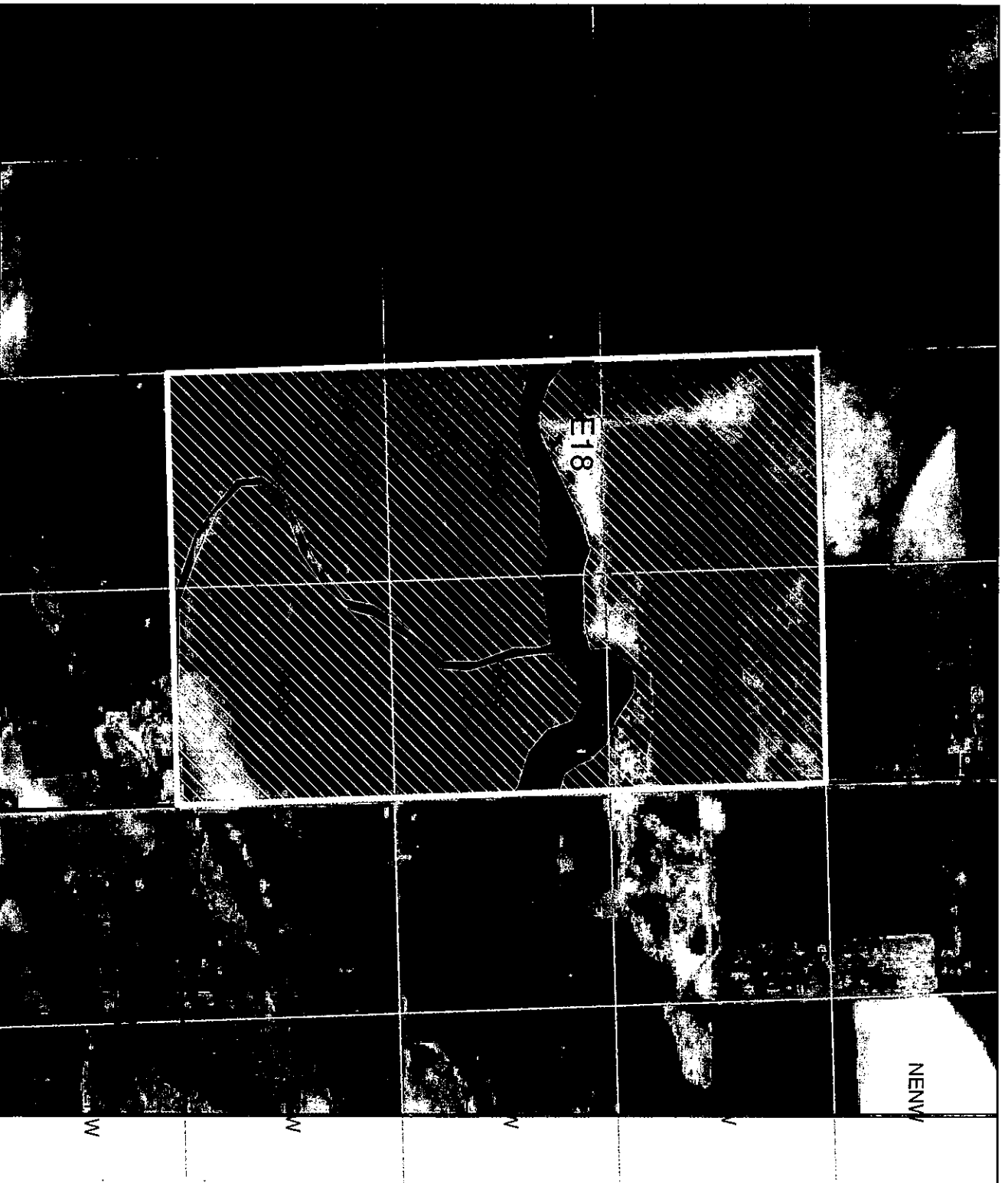
G:\WPDATA\RLH\Dunn Trust\Amended Claim, 410B.wpd:cdv

HAROLD K. DUNN TRUST WATER RIGHTS (22-408B, 409B, 410B, and Enlargement Right)



Legend

- Property_Line
- Place_of_Use
- PLS-Section
- gcdb_qq



0 0.15 0.3 0.6 Miles